

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 24, 2007. Claims 1-21 were pending in the Application. In the Office Action, Claims 1-21 were rejected. Claims 1-21 remain pending in the Application. Applicants respectfully request reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

SECTION 103 REJECTIONS

Claims 1-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,215,480 issued to Danis et al. (hereinafter "*Danis*"). Applicant respectfully traverses this rejection.

Of the rejected claims, Claims 1, 9 and 17 are independent. Applicant respectfully submits that independent Claim 1, 9 and 17 are patentable over *Danis*. For example, independent Claim 1 recites a "weight rotationally coupled relative to the cylindrical housing with a desired level of friction to absorb rotational energy of the cylindrical housing relative to the weight" (emphasis added). *Danis* appears to disclose a cylindrical body 10 in the shape of a writing device that is directed toward displaying content over 180° of the body (such as text 17) such that as the body 10 rolls, the text scrolls (*Danis*, column 2, lines 14-35). *Danis* appears to disclose a mouse-type rotation sensor 31 having a weighted cam 32 disposed within the body 10 of *Danis* that is used to detect the rotation or rolling of the body 10 of *Danis* (the direction and speed of such rolling movement) so that the displayed content may be correspondingly scrolled (*Danis*, column 3, lines 28-45, figure 3).

In the Office Action, the Examiner admits that *Danis* does not discuss the amount of friction between the weighted cam of *Danis* and the cylindrical housing (Office Action, page 2). Applicant agrees. However, in the Office Action, the Examiner states:

[I]t would be obvious to one skilled in the art that the weighted cam would create friction with the interior walls of the pen body and absorb some of the rotational energy of the cylindrical housing relative to the weight. The friction between the cam and the cylindrical body would then inhibit the movement of the weight and the amount of friction would be chosen so that the weight

moved enough within the body to keep the display facing the desired angle as the pen body is rotated.

(Office Action, page 2). Applicant respectfully disagrees.

The Examiner's assertions fail to render the claims of the present application unpatentable over *Danis* for at least two reasons. First, *Danis* does not disclose or even suggest that there is any contact whatsoever between the cam 32 of *Danis* and any interior wall of the *Danis* device. Applicant respectfully refers the Examiner to figure 3 of *Danis* which appears to be the only figure of *Danis* which illustrates the cam 32 of *Danis*. Figure 3 of *Danis* does not disclose or even suggest that the cam 32 of *Danis* is in any manner whatsoever in contact with an interior wall of the *Danis* device, nor is there any other such disclosure elsewhere in *Danis*. Thus, the Examiner's statement that "the weighted cam [of *Danis*] would create friction with the interior walls" is unsupported.

Second, Applicant respectfully submits that any such contact and friction between the cam 32 of *Danis* and an interior wall of the *Danis* device as suggested by the Examiner would adversely affect the displayed content of the *Danis* device. For example, any such contact and friction between the cam 32 of *Danis* and an interior wall of the *Danis* device would impede the rotational movement of the cam 32 within the body 10 of *Danis*, which would result in the cam 32 rotating slower than the actual rotation of the body 10 of *Danis*. Accordingly, any such contact and friction between the cam 32 of *Danis* and an interior wall of the *Danis* device as suggested by the Examiner would adversely affect the scrolling display of the *Danis* device.

Thus, not only does *Danis* not disclose, teach or even suggest the limitations of Claim 1, but the Examiner appears to have used Applicant's disclosure as a blueprint in order to somehow modify the *Danis* device to arrive at Applicant's Claim 1, which is improper. In fact, because the *Danis* device appears to rely on the rotation of the cam 32 of *Danis* to provide an accurate indication of any rolling movement of the *Danis* device, *Danis* appears to teach away from any contact or friction between the cam 32 and an interior wall of the *Danis* device as suggested by the Examiner. Accordingly, for at least these reasons, Claim 1 is patentable over *Danis*.

Independent Claim 9 recites "a weight eccentrically disposed within the cylindrical housing relative to a longitudinal axis of the cylindrical housing, the weight moveably disposed

within the cylindrical housing" and "a frictional element adapted to inhibit movement between the weight and the cylindrical housing," and independent Claim 17 recites "means for moveably and eccentrically disposing a weight within a cylindrical housing" and "means for providing a desired level of friction to absorb energy resulting from movement between the weight and the cylindrical housing." At least for the reasons discussed above in connection with independent Claim 1, Applicant respectfully submits that Claims 9 and 17 are also patentable over *Danis*.

Claims 2-8, 10-16 and 18-21 depend respectively from independent Claims 1, 9 and 17. At least for the reasons discussed above, Claims 1, 9 and 17 are patentable over *Danis*. Therefore, Claims 208, 10-16 and 18-21 that depend respectively therefrom are also patentable. Accordingly, Applicant respectfully requests that the rejection of Claims 1-21 be withdrawn.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully request reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

By: James L. Baudino
James L. Baudino
Reg. No. 43,486

Date: April 24, 2007

Correspondence to:

Hewlett-Packard Company
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400
Tel. 970-898-3884